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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,726	01/29/2002	Sundeeep Chandhoke	5150-64400	5325

35690 7590 09/29/2010
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AUSTIN, TX 78767-0398

EXAMINER

PITARO, RYAN F

ART UNIT	PAPER NUMBER
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2174

NOTIFICATION DATE	DELIVERY MODE
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09/29/2010

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SUNDEEP CHANDHOKE,
DAVID WHATLEY and DENISE RIEDLINGER

Appeal 2009-005031
Application 10/059,726
Technology Center 2100

Before LANCE LEONARD BARRY, JAY P. LUCAS, and DEBRA K.
STEPHENS *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL ¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

The Patent Examiner rejected claims 1-49. The Appellants appeal therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

INVENTION

The Appellants describe the invention at issue on appeal as follows.

A user may utilize a motion control prototyping environment application to easily and efficiently develop/prototype a motion control sequence. For example, the environment may provide a graphical user interface (GUI) enabling the user to develop/prototype the motion control sequence at a high level, by selecting from and configuring a sequence of motion control operations using the GUI. The graphical user interface of the motion control prototyping environment may enable the user to preview various aspects of the motion performed by a motion control sequence in one or more preview windows, e.g., a velocity profile, an acceleration profile, position plots, etc., in advance before commanding the motor to perform the sequence of moves.

(Abstract.)

ILLUSTRATIVE CLAIM

1. A computer-implemented method for previewing two or more motion control operations, the method comprising:

receiving user input selecting the two or more motion control operations, wherein the motion control operations are operable to perform motion control of a hardware device;

storing information representing the two or more motion control operations;

displaying a first preview window for previewing cumulative motion control performed by the two or more motion control operations; and

displaying information in the first preview window which visually indicates the cumulative motion control performed by the two or more motion control operations, wherein visually indicating the cumulative motion control performed by the two or more motion control operations comprises visually indicating a spatial trajectory cumulatively performed by the two or more motion control operations.

REJECTIONS

Claims 1-5, 7, 9, 10, 13, 17-34, and 39-49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the *Compumotor Motion Builder Start-up Guide and Tutorial* ("Compumotor") and U.S. Patent No. 5,781,505 to Rowland ("Rowland").

Claims 6, 14-16, and 36-38 stand rejected under 103(a) as being unpatentable over Compumotor; Rowland; and U.S. Patent Application Publication No. 2002/0067373 A1 ("Roe").

Claims 8, 11, 12, and 35 stand rejected under 103(a) as being unpatentable over Compumotor; Rowland; and U.S. Patent No. 6,298,474 B1("Blowers").

ISSUE

The Examiner admits that "Compumotor fails to distinctly point out visually indicating a spatial trajectory performed by the two or more motion control operations." (Ans. 3-4.) Finding that "Rowland teaches previewing spatial trajectory for a projectile from a viewpoint of an observer (Column 1 lines 60-67)" (*id.* at 4), the Examiner concludes that "it would have been obvious to an artisan at the time of the invention to combine the motion control operations of Compumotor and the spatial trajectory preview of Rowland." (*Id.*) The Appellants argue "that it is improper to rely on Rowland as a basis for rejection of the present claims." (App. Br. 9.) Therefore, the issue before us is whether the Examiner erred in considering Rowland to be analogous art.

FINDINGS OF FACT ("FFs")

1. "The [Appellants'] invention relates to the field of computer-based motion control." (Spec. 1.) Furthermore, the Appellants describe the particular problem with which they are involved as follows.

Motion control application development typically has a steep learning curve. A user needs to have specialized knowledge of motion control motors, drives, and controllers. Programming a motion controller requires the user to be familiar with motion control terms and driver application programming interface (API). This can be very daunting, especially for users who are new to the world of motion control. Thus, it would be desirable to provide a system and method enabling users to develop motion control applications more easily.

(*Id.* at 1-2.)

2. Rowland describes the particular problem with which he is involved as follows.

Systems and methods for calculating the trajectory of a projectile traveling at supersonic speeds have typically used acoustic-based methods to detect the acoustic signature of the shock wave generated by the projectile

(Col. 1, ll. 29-32.)

This calculation, however, only provides the position, relative bearing and elevation angle of the trajectory but no location or identification of the source of the projectile. One way of determining the range to the source of the projectile is by detecting the arrival time of the muzzle blast generated when the projectile is fired. However, complex environments, such as urban settings, and noise suppression techniques, often make detection of the muzzle blast impossible. Without detection of the muzzle blast, existing projectile trajectory location systems have been unable to locate the source of the projectile.

(Col. 1, ll. 46-56.)

ANALYSIS

"Whether a reference in the prior art is 'analogous' is a fact question." *In re Clay*, 966 F.2d 656, 658 (Fed. Cir. 1992) (citing *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1568 n.9 (Fed. Cir. 1987)). Two criteria have evolved for answering the question: "(1) whether the art is from the same field of endeavor, regardless of the problem addressed, and (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which

the inventor is involved." *Id.* at 658-59 (citing *In re Deminski*, 796 F.2d 436, 442 (Fed. Cir. 1986); *In re Wood*, 599 F.2d 1032, 1036 (CCPA 1979)).

"A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem." *Id.* at 659.

Here, regarding the first criterion, the Examiner admits "that Rowland is unrelated to the field of motion control and does not even teach a concept of motion control operation to perform motion control of a hardware device." (Ans. 16.)

Regarding the second criterion, the Appellants describe the particular problem with which they are involved as enabling users to develop motion control applications without requiring specialized knowledge of motion control motors, drives, and controllers and familiarity with motion control terms and driver APIs. (FF 1.) Rowland describes the particular problem with which he is involved as locating the source of the projectile traveling at supersonic speeds when no muzzle blast caused by firing the projectile can be detected. (FF 2.) Comparing the two problems, we agree with the Appellants that "Rowland pertains to an entirely different problem than the particular problem with which the inventors in the present application were concerned." (Appeal Br. 9.)

Based on the aforementioned facts and analysis, we *conclude* that the Examiner erred in considering Rowland to be analogous art.

Appeal 2009-005031
Application 10/059,726

DECISION

We reverse the rejection of claims 1-49. No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(v).

REVERSED

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